IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 3895 of 2004

Between:

Water Users Association, Pillamedu Chinna Cheruvu rep by President J. Venkatachalam, S/o J. Venkatesh, 44 years, Pillamedu Village, Thottambedu Mandal, Chittoor District

..... PETITIONER

AND

1 The Government of A.P., rep by its Principal Secretary, Irrigation Department, Secretariat Buildings, Hyderabad
2 The Deputy Executive Engineer, Panchayat Raj Department P.R. Division, Gudur Division, Nellore District
3 The District Collector, Nellore, Nellore Distirct.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus or any appropriate Writ declaring the action of the 2nd respondent i.e. constructing of road in Pillamedu Chinna Tank Pillamedu Village, Thottambedu Mandal, Chittoor District as illegal, arbitrary and in violation of Article 21 and consequently direct the Respondents 1 and 2 to take all steps to protect the ecological balance of Pillamedu Chinna Tank, Pillamedu Village, Thottambedu Mandal, Chittoor District and pass such other order or orders.

Counsel for the Petitioner: Mr.K.MAHESWARA RAO

(Not present)

Counsel for the Respondents : GP FOR PANCHAYAT RAJ

GP for Revenue

GP for Irrigation.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Pursuant to our order, affidavit in reply has been filed by the Deputy Executive Engineer, Panchayat Raj Department, P.R. Sub-Division, Venkatagiri, Nellore District stating that the road under construction has been inspected again, and, it has been found that it is not causing any obstruction to free flow of water and is also not causing reduction in the capacity of water to Pillamedu Chinnacheruvu, as alleged by the petitioner. Adequate precautions have been taken duly providing for letting out of the rainwater into the tank. Road was formed duly extending it from Pilimedu R&B road to Thottambedu village of Chittoor District limits and formation of road was extended from Chittoor District limits to CC Kandriga village limits of Nellore District.

In view of the affidavit-in-reply, we do not find any substance in the writ petition filed by the Water Users Association, Pillamedu Chinna Cheruvu, apprehending danger to the tank in question. The Writ Petition, therefore, is dismissed. No costs.

_____

DEVINDER GUPTA, C.J.

12.7.2004

_____

G.ROHINI, J.

VR.

To

1 The Principal Secretary to the Government of A.P, Irrigation Department, Secretariat Buildings, Hyderabad
2 The Deputy Executive Engineer, Panchayat Raj Department P.R. Division, Gudur Division, Nellore District
3 The District Collector, Nellore, Nellore Distirct.

4. Two CCs to Govt. Pleader for Panchayat Raj, High Court Bldgs.Hyd. (OUT).

5. Two CCs to Govt. Pleader for Revenue, High Court Bldgs., Hyderabad (OUT).

6. Two CCs to Govt. Pleader for Irrigation, High Court Bldgs., Hyd. (OUT).

7. Two CD copies.